

CHAPTER 33-14-02 LICENSURE

Section

33-14-02-01	License Required
33-14-02-02	Separate Licenses for Buildings on Separate Premises
33-14-02-03	Renewal of License
33-14-02-04	New Centers and Initial Licensing
33-14-02-05	Content of Licensure
33-14-02-06	Revocation of License
33-14-02-07	Hearing on Denial or Revocation of License
33-14-02-08	Inspection

33-14-02-01. License required. Any charitable, nonprofit corporation or association operating a treatment or care center for mentally retarded persons shall obtain a license annually from the division of mental health and retardation of the state department of health.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 25-16-02

33-14-02-02. Separate licenses for buildings on separate premises. In the case of a center where two or more buildings are used in the housing of residents, the license shall list separately each building if the buildings are on separate premises. Separate listing is not required for separate buildings on the same grounds. No fee shall be charged for such license.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 28-32-02

33-14-02-03. Renewal of license. A licensed treatment or care center planning to remain in operation for the following calendar year shall apply to the division of mental health and retardation for a renewal of its license.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 28-32-02

33-14-02-04. New centers and initial licensing. A center applying for its initial licensure shall submit information with its application to show that:

1. The premises to be used are in safe condition and properly equipped to provide good care and treatment.
2. The persons in active charge of the center and their assistants are qualified by training and experience to carry on efficiently the duties required of them.
3. The health, morality, safety, and well-being of the residents cared for and treated therein will be properly safeguarded.

4. There is sufficient entertainment, treatment, educational, and physical facilities and services available to the residents therein.
5. Medical and psychological examinations are made available to each resident at least once every six months.
6. Adequate staff is to be provided to perform necessary treatment and care.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 28-32-02

33-14-02-05. Content of licensure. North Dakota Century Code section 25-16-05 states:

The license to operate a treatment or care center for mentally retarded issued under the provisions of this chapter shall set forth:

1. The name of the licensee.
2. The premises to which the license is applicable.
3. The number of residents who may be received in such premises at any one time.
4. The date of expiration of the license.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 25-16-05

33-14-02-06. Revocation of license. North Dakota Century Code section 25-16-08 states:

The division may revoke a license of a treatment or care center for mentally retarded upon a proper showing that:

1. Any of the conditions set forth in section 25-16-03 as requirements for the issuance of the license no longer exists;
2. The license was issued upon fraudulent or untrue representations;
3. The owner or operator has violated any of the rules and regulations of the division; or
4. The owner or operator of the center has been guilty of an offense determined by the division to have a direct bearing upon a person's ability to serve the public as an owner or operator, or the division

determines, following conviction of an offense, that the person is not sufficiently rehabilitated under section 12.1-33-02.1.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 25-16-08

33-14-02-07. Hearing on denial or revocation of license. North Dakota Century Code section 25-16-09 states:

Before any application for a license to conduct a treatment or care center for mentally retarded shall be denied or before the revocation of such license by the division, written charges as to the reasons therefor shall be served upon the applicant or licensee, who shall have the right to a hearing before the division, if such hearing is requested within ten days after service of written charges.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 25-16-09

33-14-02-08. Inspection.

1. The division of mental health and retardation shall inspect the facilities and premises of the applicant as often as necessary to determine the adequacy of program and services.
2. The division of mental health and retardation shall arrange for periodic inspection of the facilities and premises of the applicant to determine the adequacy of sanitary conditions and physical facilities.
3. The division of mental health and retardation shall call upon the state fire marshal, or the state fire marshal's designee, annually to inspect each treatment and care center for safety from fire hazards and will consider the state fire marshal's requirements and compliance therewith before issuing or renewing a license.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 28-32-02